

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DAN ONISCHUK,**

**Plaintiff,**

**v.**

**Case No. 05-C-0704**

**JOHNSON CONTROLS, INC., and  
FOLEY & LARDNER LAW FIRM,**

**Defendants.**

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**ORDER**

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On July 6, 2005, the plaintiff, Dan Onischuk, filed a *pro se* complaint, alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.* Given the information before the court, the plaintiff's motion to proceed in *forma pauperis* was denied without prejudice. Therefore, in the July 29, 2005, order, the plaintiff was ordered either to pay the required filing fee or to file an affidavit that more specifically set forth his assets and why he believed the assets in the name of his spouse should not be considered in determining his poverty status.

The plaintiff filed a timely response to the court's order. He indicated that he has been unemployed for over three years and has no income or assets. He also stated that his wife is employed and that her monthly income for the past 12 months averaged \$4,600.00 Canadian per month. He also stated that his spouse solely owns a home valued at \$185,000.00 which has a mortgage of \$143,000.00. The plaintiff stated that he and his spouse's assets are separate. Despite his stated lack of income, the plaintiff also indicated that he planned to pay an attorney for services in connection with this case.

Based on its review of the supplemental information provided by the plaintiff, the court concluded that the plaintiff was not indigent for purposes of proceeding *in forma pauperis*. Therefore, his petition to proceed *in forma pauperis* was denied. The plaintiff was advised that to proceed further, he must pay the required filing fee. Such fee was ordered to be paid within 30 days of the date of the order. The order was issued on August 23, 2005. The court also advised the plaintiff that failure to pay the required filing fee within 30 days of the date of the order would result in dismissal of the action.

To date, the plaintiff has not paid the required filing fee, nor has he sought an extension of time to pay such fee. Accordingly, given the plaintiff's failure to pay the filing fee as ordered by the court, this action will be dismissed.

**NOW, THEREFORE, IT IS ORDERED** that the plaintiff's complaint be and hereby is dismissed for failure to pay the required filing fee in a timely fashion as ordered by this court.

Dated at Milwaukee, Wisconsin, this 27th day of September, 2005.

**BY THE COURT:**

s/ **Rudolph T. Randa**

**HON. RUDOLPH T. RANDA**

Chief United States District Judge